

Emily Cooper OSB #182254

ecooper@droregon.org

Thomas Stenson OSB #152894

tstenson@droregon.org

David Boyer OSB # 235450

dboyer@droregon.org

Hanah Morin OSB # 230043

hmorin@droregon.org

Disability Rights Oregon

511 SW 10th Avenue, Suite 200

Portland, Oregon 97205

(503) 243-2081

Counsel for Plaintiff, Disability Rights Oregon

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

**DISABILITY RIGHTS OREGON,
METROPOLITAN PUBLIC DEFENDER
SERVICES, INC., & A.J. MADISON,**
Plaintiffs,

v.

SAJEL HATHI, in her official capacity as head
of the Oregon Health Authority, & **JAMES
DIEGEL** in his official capacity as
Superintendent of the Oregon State Hospital,
Defendants.

**JAROD BOWMAN and JOSHAWN
DOUGLAS-SIMPSON,**
Plaintiffs,

v.

JAMES DIEGEL, Interim Superintendent of the
Oregon State Hospital, in his official capacity,
SAJEL HATHI, Director of the Oregon Health
Authority, in her official capacity,
Defendants.

Case No. 3:02-cv-00339-MO (Lead Case)
Case No. 3:21-cv-01637-MO (Member Case)

DECLARATION OF THOMAS STENSON
IN SUPPORT OF DISABILITY RIGHTS
OREGON'S OPPOSITION TO MOTION TO
STAY

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OPPOSITION TO MOTION TO STAY

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**DECLARATION OF THOMAS STENSON IN SUPPORT OF DISABILITY RIGHTS
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I, Thomas Stenson, declare as follows:

1. I am over the age of eighteen, have personal knowledge of the matters herein.
2. I am Deputy Legal Director at Disability Rights Oregon and counsel for the plaintiff.
3. I have been trial counsel for Disability Rights Oregon on this matter since 2019.
4. I am familiar with how Defendants have publicly posted filings and documents associated with this case. For several years, Defendants have maintained a webpage with various documents pertaining to this case, including regular reports generated by Defendants related to the progress in admitting aid-and-assist detainees awaiting admission to the Oregon State Hospital; discharging people committed to the Oregon State Hospital; county-by-county data on aid-and-assist detainees; and a variety of other data related to this case.
5. These documents are currently collected on the Oregon Health Authority website. *See Or. Health Auth., Oregon State Hospital Mink-Bowman Order Compliance, at <https://www.oregon.gov/oha/osh/pages/mink-bowman.aspx>* (last visited June 23, 2025).
6. OHA has been collecting Dr. Pinal's quarterly reports on their website and posting them for public access for years. OHA promptly posted Dr. Pinal's Eleventh Report on its website, along with an addendum to the Eleventh Report, shortly after the Eleventh Report was produced to the parties.
7. A true and correct copy of Dr. Pinal's Eleventh Report is attached as Exhibit A. This report was downloaded from the OHA website. *See Or. Health Auth., Eleventh Oregon Mink-*

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Bowman Neutral Expert Report, at https://www.oregon.gov/oha/OSH/reports/Oregon_Mink-Bowman_11th_Neutral_Expert_Pinals_Report.pdf (June 23, 2025).

8. On May 7, 2025, Dr. Pinals sent an email addressed to Plaintiffs' counsel and Defendants' counsel, with the subject line "11th Report." A copy of Dr. Pinals' Eleventh Neutral Expert Report was attached to the email. A true and correct copy of the email is attached as Exhibit B. To the best of my knowledge, the document downloaded as Exhibit A is indistinguishable from the document attached to this email.

9. On April 11, 2025, Governor Tina Kotek put out a press release, whose headline stated that Governor Kotek was "announcing a new acting Superintendent of Oregon State Hospital upon learning more details on recent fatality." A true and correct copy of this press release was downloaded from the state's website and is attached as Exhibit C. This post is available for download. *See* Office of Governor, Press Release: Governor Kotek Announces New Acting Superintendent of Oregon State Hospital Upon Learning More Details on Recent Fatality, Apr. 11, 2025, at <https://apps.oregon.gov/oregon-newsroom/OR/GOV/Posts/Post/governor-kotek-announces-new-acting-superintendent-of-oregon-state-hospital-upon-learning-more-details-on-recent-fatality>.

10. On March 26, 2025, the Joint Commission, a hospital and health care accreditation organization, wrote a letter to Dr. Walker, then-interim Superintendent of Oregon State Hospital, notifying her that the accreditation of the hospital was being placed on a "Preliminary Denial of Accreditation" status, as a result of demonstrated serious errors and omissions, connected with the recent death of a patient by a fall. A true and correct copy of the letter is attached as Exhibit

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D. Joint Commission, Letter to Dr. Sara Walker, March 26, 2025,

<https://www.oregon.gov/oha/OSH/reports/TJC/2025.03.26-TJC-Letter.pdf>.

11. On May 22, 2025, the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services, sent a “statement of deficiencies” to the Oregon State Hospital, indicating that OSH’s capacity to receive Medicare funding would be suspended by August 2025 if the documented negative performance measures were not corrected. Oregon released a heavily redacted version of this “statement of deficiencies” to the public on June 11, 2025. The redacted version of the 245-page documents is available for public review. Oregon Health Auth., Oregon State Hospital Receives CMS Statement of Deficiencies, *at*

<https://www.oregon.gov/oha/ERD/Pages/Oregon-State-Hospital-receives-CMS-statement-of-deficiencies.aspx>; Ctr. Medicare & Medicaid Servs., May 22, 2025 Statement of Deficiencies to Oregon State Hospital, *at* <https://www.oregon.gov/oha/OSH/reports/CMS/CMS-OSH-SOD-2025.pdf>.

12. A relevant portion of the lengthy Statement of Deficiencies document is produced as Exhibit E. Any redactions to the text were made by state of Oregon employees prior to its release by Oregon. Otherwise, the fragment of the Statement of Deficiencies is true and correct.

13. On March 12, 2025, this Court held the first of two days of an evidentiary hearing regarding the contempt motion. Attached as Exhibit F is a fragment of the transcript from that hearing on that date.

I hereby declare that the above statements are true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

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DATED this 24th day of June, 2025.

DISABILITY RIGHTS OREGON

/s Tom Stenson

David Boyer OSB # 235450

dboyer@droregon.org

Emily Cooper OSB # 182254

ecooper@droregon.org

Thomas Stenson, OSB # 152894

tstenson@droregon.org

Hanah Morin OSB # 230043

hmorin@droregon.org

511 SW 10th, Suite 200

Portland OR 97205

Telephone: (503) 243 2081

Facsimile: (503) 243 1738

*Counsel for Plaintiff Disability Rights
Oregon*

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